Google Inc. et al v. Egger et al

Doc. 441 Att. 2

Exhibit 3

Dockets.Justia.com

GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT SECRET

Memorandum

TO : MEMORANDUM FOR THE FILE

DATE: January 3, 1975

FROM : James A. Wilderotter
Associate Deputy Attorney General

SUBJECT: CIA Matters

DECLASSIFIED
JFK Assass. Rec. Collection Act of 1992
#1781000410114
NARA Date 5/24/00 By KBH

CIA Director William Colby and CIA General Counsel John Warner met with LHS and JAW Tuesday, December 31 to discuss certain matters, including items apparently reported to the President by Colby in connection with the recent New York Times articles. Colby did not show us his report to the President, but paraphrased that portion of its contents which, in Colby and Warner's judgment, presented legal questions.

Colby began the meeting by describing the management style of former CIA Director Richard Helms. According to Colby, Helms utilized a very "compartmentalized" organizational structure, with each head of a constituent unit within the organization reporting directly to Helms. Colby described it as like "spokes from a hub," with Helms as the "hub" and the various compartmentalized units constituting the "spokes." It was possible to be in one "spoke" and have no knowledge of what the other "spokes" were doing.

Colby indicated that the various Watergate revelations touched the CIA in several ways, including: (a) Howard Hunt; (b) the matter of "psychological profiles;" and (c) the McCord letters to the CIA. Colby indicated that former CIA Director James Schlesinger sent a memorandum on May 9, 1973 to all CIA employees, directing them to report on all activities undertaken that may have fallen outside the CIA's charter. When the reports came in, Colby -- by then the CIA Director -- sent out "corrective" memoranda. According to Colby, the reports submitted in response to Schlesinger' May 9, 1973 memorandum constitute the "skeletons in the closet," and form the basis of Colby's recent report to the President. Colb and Warner are trying to track down more details about the various "skeletons."

The "skeletons" related to us by Colby are as follows:

(1) In 1964, a Russian defector was brought to the United States; apparently, CIA thought he was a "fake." The defector, a Russian citizen, was immediately confined in a house in

SECRET

5010-110
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Maryland, and later in a CIA facility in Virginia, for about two years. Apparently, he was interrogated during the two-year physical confinement. This defector is now settled in the United States, is married, and still works voluntarily with the CIA. According to Colby, former CIA Director McCone approved this confinement. Colby stated that occasionally, the CIA confines defecting individuals, but only outside the United States. Defectors are interrogated in the United States only voluntarily; according to Colby, "they can walk away any time." Colby speculated that the confinement of the Russian defector from 1964 to 1966 might be regarded as a violation of the kidnapping laws.

(2) In 1963, the CIA wiretapped two columnists -- Robert Allen and Paul Scott -- following a column in a newspaper in which they disclosed certain national security information. CIA records indicate that the wiretapping was approved by McCone after "discussions" with then Attorney General Robert Kennedy and then Secretary of Defense Robert McNamara. The wiretaps, which continued from March 12 to June 15, 1963, were described as "very productive" -- among those overheard calling Allen and Scott were twelve Senators, six Congressmen and so forth. Apparently, the tap did not disclose the source of the security information published in the Allen-Scott column.

(3) From February 15 to April 12, 1972, "personal surveillances" were conducted by the CIA on Jack Anderson and members of his staff (Les Whitten, Britt Hume, and Mr. Spear). The physical surveillances consisted only of watching the targets, and involved no breaking, entry or wiretapping. Apparently, the physical surveillance occurred after Jack Anderson's series of "tilt toward Pakistan" stories. The physical surveillances were authorized by Helms and conducted by the CIA's Office of Security. (The Office of Security was headed by Howard Osburn from 1967 to 1973.)

(4) Between October, 1971 and January, 1972, the CIA conducted a physical surveillance of Mike Getler, a Washington Post reporter. Again, there is no indication of wiretaps, a break-in or an entry. Like the Anderson surveillances, the Getler physical surveillance was apparently authorized by Helms and run by the CIA's Office of Security.

(5) In 1971, the CIA had reason to suspect a female CIA employee, who was then living with a foreign (Cuban) national. The former CIA employee and the Cuban national apparently maintain a joint residence and a joint place of business. CIA agents broke into the business premises and unsuccessfully attempted to break into the residence to search for any documents the former CIA employee may have taken with her. The agents found nothing. The break-in apparently occurred in Fairfax, Virginia, and was conducted by the Office of Security.

SECRET

(6) In July 1970, CIA agents broke into and entered an office occupied by a former defector who was still "on contract" to the CIA, looking for any CIA documents he may have had. The operation was conducted by the Office of Security, and occurred in Silver Spring, Maryland.

(7) CIA agents apparently "talked their way into" the apartment of one Toftey -- at that time a CIA employee -- to recover CIA documents he had converted. The documents were recovered, and Toftey was promptly fired. Toftey apparently sued Helms, alleging that, in addition to the CIA documents, the CIA agents had also taken some of his, Toftey's, personal correspondence. The suit was dismissed.

(8) Between 1953 and 1973, the CIA's Counterintelligence Staff screened -- and in some cases opened -- mail to and from the Soviet Union going through the Kennedy Airport Mail Depot. This operation was terminated in 1973 by Colby. While it was in existence, it was "cleared by" at least three Postmasters General and CIA records indicate that Helms discussed it with then Attorney General John Mitchell.

(9) From 1969 to October, 1972, the Far East Division of the CIA reviewed, in San Francisco, mail going to and from the Peoples' Republic of China in an operation similar to the Soviet one at Kennedy Airport. Apparently the CIA sought in this operation "tips" with respect to possible sources, contacts, etc.; the CIA was apparently also interested in mail handling procedures within the PRC.

(10) Between 1963 and 1973, the CIA funded research in some institutions, apparently including academic institutions, on the general subject of behavioral modification. According to Colby, these activities included the participation -- on a "unwitting basis" -- of some U. S. citizens, who were not told of the true nature of the testing. The example given by Colby was that of a pole put in the middle of a sidewalk, with peoples' observations recorded as to which side of the pole they would walk. Apparently, some of the other testing also included reactions to certain drugs, although it is not known whether any "unwitting" individuals were used with respect to that type of experiment. In response to a question from LHS, Colby and Warner indicated they would provide more information on these activities, but that their own knowledge of them was very limited at this point.

SECRET

(11) The CIA apparently "plotted" the assasination of some foreign leaders, including Castro, Lumumba and Trujillo. The CIA had no role whatsoever in Lumumba's murder on January 17, 1961. With respect to Trujillo's assasination on May 30, 1961, the CIA had "no active part;" but had a "faint connection" with the groups that in fact did it. In connection with these matters, Warner referred to 18 U.S.C. 960, concerning "expeditions against a friendly nation."

(12) Between 1967 and 1971, the CIA covertly monitored dissident groups in the Washington, D. C. area (and possibly elsewhere) who were considered to pose a threat to CIA installations. The monitoring apparently consisted of physical surveillances only; no wiretaps were involved. Some results might have been distribute to the FBI.

(13) Between May and September, 1971, the CIA conducted a physical surveillance of a Latin American female (and others, including U. S. citizens), apparently in the Detroit area, who had advised the CIA of a plot to assasinate Helms and then Vice President Agnew. It is possible that a "mail cover" was also utilized. It is likely that the Secret Service was advised of the assasination threat with respect to the Vice President.

(14) In 1972, the CIA conducted a physical surveillance of Victor Marchetti -- who wrote a book about the CIA -- to determine his contacts with CIA employees.

Except as noted, Colby and Warner did not indicate whether any of the above items had been approved by any individuals outside the CIA.

* * *

Colby then discussed a program conducted by the CIA beginning in 1967 and aimed at identifying possible foreign links to American dissidents. This program was handled in the CIA by James Angleton and Richard Ober. Around July, 1967, Helms sent a cable from CIA Headquarters referring to CIA's "participation in an inter-agency group" with respect to these matters. Apparently, the cable also refers to "overseas coverage of subversive students and related activities."

Apparently, a November, 1967 document in the CIA's possession refers to a CIA survey of anti-war activities, including the U. S. peace movement and foreign groups.

In September, 1969, according to CIA documents, Helms reviewed the CIA's efforts against "the international activities of radicals and black militants."

Apparently, under this program, the CIA alerted people abroad to try to identify the foreign contacts of American dissidents. According to Colby, many requests in this area were originated by the FBI. Colby also indicated that the CIA had apparently placed some agents in the peace movement in the United States, with the purported purpose of establishing credentials to travel abroad. A "by-product" of these agents-in-place was information on the domestic activities of various peace organizations. Apparently, these CIA agents undertook no disruptive activities.

Apparently, the CIA's files under this program contain the names of some 9,900 plus Americans. In response to a question from LHS referring to the New York Times stories about the "files on 10,000 Americans," Colby indicates that the CIA's "9,900 names" is not the same as the IDIS master subject index described in the December 30, 1974 memorandum from LHS to Philip E. Areeda, Counsel to the President.

According to Colby, approximately two-thirds of the names in the CIA's "9,900 plus" list were the results of either FBI requests or reports from the CIA's foreign offices. The other one-third consist of FBI reports on Americans in the peace movement, but no other information. Colby indicated he does not know why the CIA held these latter reports since no foreign travel was involved, etc. He speculated that they were kept as a result of the tendency of bureaucrats to retain paper whether they needed it or acted on it or not.

According to Colby, the "Huston Plan" and the subsequent establishment of the Intelligence Evaluation Committee "gave stimulus" to this entire effort by the CIA. Colby, after reviewing this program, considers it "worthless" from an intelligence standpoint. Among other things, the Soviets apparently thought U. S. dissidents were too unruly to be trusted with any sensitive operations.

* * *

Colby also reported on three other items:

(1) At the CIA's request, the Sheriff of San Mateo, California polygraphed certain applicants for employment in an experiment to test effectiveness of the polygraph.

(2) Colby and Warner indicated that the CIA utilizes certain systems to create alias documents, such as birth certificates. Other documents -- such as credit cards -- are used for what Warner described as "flash" purposes; that is, they are not utilized in themselves, but are used only to corroborate the operative identifying document (such as a birth certificate). For example, a false credit card or similar materials described by Warner as "pocket litter" will not be used to actually charge credit purchases but rather only to corroborate a driver's license or birth certificate. When documents of a Federal Agency are involved -- such as a Social Security Card -- the CIA does not manufacture or otherwise create the documents except with the knowledge of that Federal Agency. Warner indicated, however, that it may be a violation of some State Laws to "manufacture" or otherwise forge state agency documents. Colby and Warner indicate that this was an on-going operation.

(3) Colby indicated that the CIA occasionally tests experimental electronic equipment on American telephone circuits. The CIA apparently has established guidelines for these tests, which provide among other things that no records may be kept, no tapes and so forth.

SECRET